IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 35238 of 2007(T)

PETITIONER:

FAIZAL, S/O. IBRAYI,
KIZHAKKEMADATHI, P.O. BALUSSERY,KOZHIKODE DIST.,
PROPRIETOR, KAIRALI OIL AND FLOUR MILL,BALUSSERY,
KOZHIKODE DISTRICT.

BY ADV. SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.

2. THE ASSISTANT ENGINEER,
K.S.E.B., BALUSSERY SECTION, P.O. BALUSSERY,
KOZHIKODE.

BY ADV. SHRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 35238 of 2007

Dated, this the 1st day of December, 2007

J U D G M E N T

Even though petitioner alleged that supply was disconnected by the Kerala State Electricity Board on noticing unauthorised load, learned standing counsel for KSEB today produced a mahazar, which shows that petitioner used a magnet to disordinate the meter, and on examination the meter was found to be damaged and was not recording on account of the magnet used by the petitioner, to manage theft of power. It is further stated in the mahazar that petitioner was involved in theft of power in November 2006 i.e. exactly an year back, and this is a repeated offence. The amount paid by the petitioner for theft of power in November 2006 is above Rs.40,000/-, as is clear from the mahazar. In the circumstances, I dispose of the writ petition leaving freedom to the petitioner to file appeal against Ext.P2 electricity bill for considering quantum benefit by the appellate authority. However, since petitioner is running an industry, I direct 2nd respondent to restore supply by installing a proper meter. It is up to the 2nd respondent to insist on a wooden or other box to cover the meter, so that the meter is installed beyond the influence of ordinary magnet at the

cost of the petitioner. The meter will be installed and connection will be restored to the petitioner on petitioner remitting Rs.50,000/- towards the disputed bill and on paying the usual cost for installing a new meter and extra charges, if any, required to prevent theft of power in the future.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg